

REMARKS

Upon entry of the foregoing amendment, claims 31-58 are pending. Claims 1-3 and 6-30 have been cancelled without prejudice or disclaimer, and new claims 31-58 are added. Applicant believes that one of ordinary skill in the art would find at least implicit support for the added claims in the specification as-filed. Thus, no new matter is believed to be added.

In view of the foregoing amendment and the following remarks, allowance of the pending claims is requested.

Rejections Under 35 U.S.C. §102

New claim 31

The Examiner rejected independent claim 1 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,233,449 to Giltho et al. ("Giltho"). Applicant has cancelled claim 1 without prejudice or disclaimer but have added independent claim 31. Giltho does not disclose each and every feature of claim 31. As such, the Examiner's allowance of claim 31 is proper. Notice to that effect is respectfully requested.

In rejecting claim 1, the Examiner cites Giltho, col. 1, l. 43 through col. 2, l. 29 as allegedly disclosing features of the claimed invention. See Final Office Action Dated June 17, 2005 ("June17 Office Action"), pg 3. These portions of Giltho do not disclose "*measuring a component parameter of the at least one network component, the component parameter indicating an operational characteristic of the at least one network component...*" as set forth in new claim 31. At best, the portions of Giltho cited by the Examiner disclose a system that monitors or determines quality of service of the telecommunications network generally, and then attempts to determine the cause of any degradation and suggests and tests possible problem solutions.

Furthermore, in rejecting claim 1, the Examiner cites Giltho col. 1, l. 43 through col. 2, l. 29 and col. 4, l. 55 through col. 5, l. 40 as allegedly disclosing features of the invention. These portions of Giltho do not disclose "*determining a service parameter representative of a measure of performance of the service, the service parameter having a state used to determine conformity of the business*

process to the agreed upon service level' as set forth in new claim 31. Nor do they disclose "*determining an effect of the measured component parameter on the state of the service parameter*" as set forth in new claim 31. At best these portions of Giltho disclose the analysis of general data ("some of the preprocessed data") to assess "the current situation" within a telecommunications network. See Giltho, col. 4, ll. 55-64.

The Examiner has quoted Giltho, col. 5, ll. 12-29 as demonstrating a determination of the effect that a component parameter has on a the state of a service parameter. The Examiner's recitation evidences a misinterpretation of Giltho. Giltho's recitation of "a suspected cause of...QoS degradation" does not constitute a measured component parameter or a service parameter having a state. Assuming *arguendo* that QoS degradation may be considered a service parameter having a state (which Applicant maintains it is not), a "suspected cause" does not rise to the level of measuring a component parameter. The component parameter of the invention is used to establish a level of service in a computer network (whether performing properly, degraded, or otherwise). Giltho's recitation of a *suspected* cause, that is later used to formulate *suggested* corrective actions, is evidence of the lack of an *identified* parameter for measurement. Whereas the invention maps a causal relationship between the component parameter and the level of service.

Giltho does not disclose each and every element of claim 31. Thus, an indication of allowance of claim 31 is proper. Claims 32 through 38 depend from and add features to claim 31. For at least these reasons, these dependent claims are also patentable. Notice to that effect is respectfully requested.

New claim 39

The Examiner rejected independent claim 9 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,233,449 to Giltho et al. ("Giltho"). Applicant has cancelled claim 9 without prejudice or disclaimer but have added independent claim 39. Giltho does not disclose each and every feature of claim 39. As such, the Examiner's allowance of claim 39 is proper. Notice to that effect is respectfully requested.

In rejecting claim 9, the Examiner again cites Giltho col. 1, l. 43 through col. 2, l. 29 and col. 4, l. 55 through col. 5, l. 40 as allegedly disclosing features of the

claimed invention. These portions of Giltho fail to disclose “*identifying a plurality of component parameters associated with the one or more network entities*” and “*designating one of the plurality of component parameters as a service parameter, the service parameter providing an indication of a state of the service supporting the business process...*” At best, these portions of Giltho speak in terms of general monitoring and performance evaluation within a telecommunications network. They provide no disclosure of mapping a causal relationship between component parameters and the state of a service.

New claim 39 also recites: “*determining a level of the service from the service parameter, the level of the service indicative of a measure of performance of the service, the measure of performance of the service enabling management of the business process supported by the service*” and “*determining, based on the plurality of component parameters, how the plurality of component parameters affect the service parameter to manage the service associated with the network.*” In rejection claim 9, the Examiner yet again cites Giltho col. 1, l. 43 through col. 2, l. 29 and col. 4, l. 55 through col. 5, l. 40 as allegedly disclosing features of the invention. As previously stated herein, these sections of Giltho at best deal with *suspected* causes and *suggested* solutions, not identified parameters providing tangible management.

Giltho does not disclose each and every element of claim 39. Thus, an indication of allowance of claim 39 is proper. Claims 40 through 45 depend from and add features to claim 39. For at least these reasons, these dependent claims are also patentable. Notice to that effect is respectfully requested.

New claim 46

New claim 46 recites features similar to those recited in new claim 31. As discussed above in the discussion of claim 31, Giltho does not disclose all of the features of claim 31. As such, Giltho also does not disclose all of the features of claim 46. Thus, an indication of allowance of claim 46 is proper. Claims 47 through 52 depend from and add features to claim 46. For at least these reasons, these dependent claims are also patentable. Notice to that effect is respectfully requested.

New claim 53

New claim 53 recites features similar to those recited in new claim 39. As discussed above in the discussion of claim 39, Giltho does not disclose all of the features of claim 39. As such, Giltho also does not disclose all of the features of claim 53. Thus, an indication of allowance of claim 53 is proper. Claims 54 through 58 depend from and add features to claim 53. For at least these reasons, these dependent claims are also patentable. Notice to that effect is respectfully requested.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 2, 3, 15 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Giltho in view of U.S. Patent No. 6,449,603 to Hunter et al. ("Hunter"). Applicant has cancelled claims 2, 3, 15, and 16 without prejudice or disclaimer, but have added claims 32, 33, 47 and 49. As discussed above, Giltho does not disclose each and every feature of claims 31 and 46, at least one of which claims 32, 33, 47, and 49 depend from. Hunter, alone or in combination with Giltho, does not cure the deficiencies of Giltho discussed above. As such, the Examiner's allowance of claims 32, 33, 47 and 49 is proper. Notice to that effect is respectfully requested.

The Examiner has also rejected claims 10 and 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Giltho, in view of Hunter, in further view of U.S. Patent No. 6,311,175 to Adriaans et al. ("Adriaans"). Applicant has cancelled claims 20 and 21 without prejudice or disclaimer, but has added claims 40 and 54. As discussed above, Giltho does not disclose each and every feature of claims 39 and 53, at least one of which claims 40 and 54 depend from. Adriaans and/or Hunter, either alone or in combination with Giltho, do not cure the deficiencies of Giltho discussed above. As such, the Examiner's allowance of claims 40 and 54 is proper. Notice to that effect is respectfully requested.

The Examiner has also rejected claims 25, 27, 29, and 30 under 35 U.S.C. §103(a) as allegedly being unpatentable over Giltho, in view of U.S. Patent No. 6,249,755 to Yemini et al. ("Yemini"). Applicant has cancelled claims 25, 27, 29 and 30 without prejudice or disclaimer, but has added claims 37, 44, 52, and 58. As discussed above, Giltho does not disclose each and every feature of claims 31, 39, 46, and 53, at least one of which claims 37, 44, 52, and 58 depend from. Yemini,

either alone or in combination with Giltho, does not cure the deficiencies of Giltho discussed above. As such, the Examiner's allowance of claims 37, 44, 52, and 58 is proper. Notice to that effect is respectfully requested.

CONCLUSION

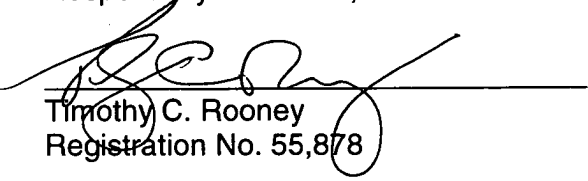
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

By:


Timothy C. Rooney
Registration No. 55,878

Customer No. 00909

PILLSBURY WINTHROP SHAW PITTMAN
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Direct Dial: 703-770-7939
Fax: 703-770-7901